

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BUILDING SERVICE 32BJ PENSION FUND,

Plaintiff,  
-against-

1180 AOA MEMBER LLC, and ABC COMPANIES 1-10  
(all other trades or businesses under common control with  
1180 AOA MEMBER LLC,

Defendants.

LTS

12226  
Index No. 18-CV-XXXX(LTS)(OTW)

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**ORDER**

**WHEREAS**, Building Service 32BJ Pension Fund (“Fund”), served an Information Subpoena With Questions and Answers (“Subpoena”) upon Enrico Marini Fichera (“Fichera”) on February 1, 2020; and

**WHEREAS**, has failed to comply with said Subpoena; and

**WHEREAS**, Fichera was served with a second request that he comply with the Subpoena on February 20, 2020; and

**WHEREAS**, Fichera continues to refuse to comply with the Subpoena:

**IT IS HEREBY ORDERED**, that Fichera provide answers to the Subpoena by ~~XXXX~~ May 15, 2020. Plaintiff shall serve this order by mailing a copy of same to Fichera at: 1760 Second Avenue, Apartment 8C, New York, New York, 10128; said service to be by Certified Mail Return Receipt Requested and by Regular First Class Mail. Plaintiff shall file proof of service upon Fichera with the Court. A copy of the Order shall also be served by First Class Mail upon: Charles Fan, 1180 Avenue of the Americas, 2<sup>nd</sup> Floor, New York, New York 10036

LTS

**Fichera is admonished, that an information subpoena is an appropriate means of effectuating post judgment discovery under the laws of New York State. N.Y. C.P.L.R. § 5524 and a person's failure to comply with a subpoena is punishable by contempt. N.Y. C.P.L.R. § 5251.**

**SO ORDERED:** /s/ Laura Taylor Swain  
U.S.D.J.

**Dated:** April 28, 2020